

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2011, Legislative Day No. 7

Bill No. 21-11

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Councilmembers Huff & Marks

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By the County Council, April 4, 2011

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A BILL  
ENTITLED

AN ACT concerning

Hunting Deer Cooperator Program

FOR the purpose of ~~permitting hunting~~ authorizing a deer cooperator program on County park land under certain conditions; permitting the discharge of a firearm or other weapon under certain conditions; and generally relating to the regulation of certain activities on County park land.

BY repealing and re-enacting, with amendments

Section 17-2-101  
Article 17 - Miscellaneous Provisions and Offenses  
Title 2 - Firearms and Weapons  
Baltimore County Code, 2003

BY repealing

Section 30-1-302  
Article 30 - Recreation and Parks  
Title 1 - Administration and Regulation of Parks  
Baltimore County Code, 2003

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY adding

Section 30-1-302  
Article 30 - Recreation and Parks  
Title 1 - Administration and Regulation of Parks  
Baltimore County Code, 2003

WHEREAS, Maryland law currently permits the Maryland Department of Natural Resources to reduce the wildlife population in the county upon a determination that wildlife is seriously injurious to agricultural or other interests in the affected area; and

WHEREAS, the county will maintain a continuing dialogue with the Department of Natural Resources, naturalists, and animal welfare organizations on all methods of herd control, including sterilization, hunting, and birth control; and

WHEREAS, this bill is one method of addressing the overpopulation in county owned park lands in the most humane manner possible as specified by the American Veterinary Medical Association; and

WHEREAS, this bill is not intended to open the county park lands to hunting, and hunting by the general public on these lands continues to be prohibited; now therefore

1           SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that Section 17-2-101 of Article 17 - Miscellaneous Provisions and  
3 Offenses, Title 2 - Firearms and Weapons, of the Baltimore County Code, 2003, be and it is hereby  
4 repealed and re-enacted, with amendments, to read as follows:

5   § 17-2-101. DISCHARGING FIREARM OR WEAPON IN METROPOLITAN DISTRICT

1           (a) *Prohibition.* Except as provided in subsection (c) of this section, a person may not fire  
2 or discharge a crossbow, pistol, air pistol, gas-propelled pistol, rifle, air-rifle, gas-propelled rifle, or  
3 shotgun within:

4                   (1) The limits of the metropolitan district of the county;

5                   (2) A nondistrict enclave within the metropolitan district; or

6                   (3) An appendage attached to the metropolitan district.

7           (b) *Duty to post metropolitan district.* The Police Department shall post in the county  
8 courthouse and in every police station and substation throughout the county, accurate maps  
9 designating the locations of the boundary lines of the metropolitan district established according to  
10 the Code.

11           (c) *Exception.* This section does not prohibit:

12                   (1) A licensed hunter from discharging a shotgun, properly hunting in season using  
13 a shotgun that contains no heavier than No. 2 shot; or

14                   (2) A person from discharging or firing a crossbow, pistol, air pistol, gas-propelled  
15 pistol, rifle, air-rifle, gas-propelled rifle, or shotgun:

16                           (i) On a permanently located, properly posted, and bona fide target range, the  
17 location of which has been filed with the Police Department;

18                           (ii) When reasonably necessary for the defense of life or property; [or]

19                           (iii) As part of a military occasion when the discharge is done under orders  
20 of a commanding officer; OR

1 (IV) AS PART OF A ~~MANAGED HUNT~~ DEER COOPERATOR  
2 PROGRAM UNDER THE AUTHORITY GRANTED TO THE DEPARTMENT OF NATURAL  
3 RESOURCES, IN COOPERATION WITH THE COUNTY, TO REDUCE THE WILDLIFE  
4 POPULATION OF PROTECTED WILDLIFE DETERMINED TO BE OVERPOPULATED.

5 (d) Automatic weapons.

6 (1) In this subsection "automatic weapon" means any weapon capable of firing  
7 multiple shots with one depression of the trigger.

8 (2) Except as provided in subsection (c) of this section, a person may not fire or  
9 discharge an automatic weapon in the county.

10  
11 SECTION 2. AND BE IT FURTHER ENACTED, that Section 30-1-302 of Article 30 -  
12 Recreation and Parks, Title 2 - Regulation of Park Activities, of the Baltimore County Code, 2003,  
13 be and it is hereby repealed.

14  
15 SECTION 3. AND BE IT FURTHER ENACTED, that Section 30-1-302 of Article 30 -  
16 Recreation and Parks, Title 2 - Regulation of Park Activities, of the Baltimore County Code, 2003,  
17 be and it is hereby added, to read as follows:

18 § 30-1-302. HUNTING ON RECREATIONAL LANDS.

1           (A) DEFINITION. AS USED IN THIS SECTION, “DEER COOPERATOR PROGRAM”  
2 MEANS A PROGRAM CONDUCTED BY A LICENSED WILDLIFE MANAGEMENT  
3 COMPANY UNDER THE SUPERVISION OF THE DEPARTMENT OF NATURAL  
4 RESOURCES, IN COOPERATION WITH THE COUNTY, TO REDUCE THE WILDLIFE  
5 POPULATION OF PROTECTED WILDLIFE DETERMINED TO BE OVERPOPULATED.

6           ~~(A)~~ (B) PROHIBITION. A PERSON MAY NOT HUNT ON ANY LANDS IN THE  
7 COUNTY UNDER THE CONTROL AND SUPERVISION OF THE DEPARTMENT.

8           ~~(B)~~ (C) EXCEPTIONS. THIS SECTION DOES NOT PROHIBIT:

9                   (1) THE USE OF DUCK BLINDS INSTALLED BY THE DEPARTMENT; OR

10                   ~~(2) NOTWITHSTANDING THE PROVISIONS OF SUBTITLE 2, MANAGED~~  
11 ~~HUNTS UNDER THE AUTHORITY GRANTED TO THE DEPARTMENT OF NATURAL~~  
12 ~~RESOURCES, IN COOPERATION WITH THE COUNTY, TO REDUCE THE WILDLIFE~~  
13 ~~POPULATION OF PROTECTED WILDLIFE DETERMINED TO BE OVERPOPULATED.~~

14                   (2) NOTWITHSTANDING THE PROVISIONS OF SUBTITLE 2, A DEER  
15 COOPERATOR PROGRAM, SUBJECT TO THE FOLLOWING CONDITIONS:

16                   (I) A PROGRAM SHALL BE CONDUCTED ONLY DURING NIGHTTIME  
17 HOURS;

18                   (II) ALL VENISON SHALL BE DONATED TO A FOOD BANK OR OTHER  
19 CHARITABLE ORGANIZATION, AND ALL PROCESSING OR BUTCHERING SERVICES  
20 SHALL BE PROVIDED BY BALTIMORE COUNTY CONTRACTORS, IF FEASIBLE;

1                   (III) NOTIFICATION OF THE DATES AND TIMES OF A PROGRAM SHALL  
2 BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AND PROMINENTLY  
3 POSTED AT MULTIPLE LOCATIONS ON THE LAND AT LEAST TWO WEEKS PRIOR TO  
4 THE PROGRAM; AND

5                   (IV) DURING A PROGRAM, THE LAND SHALL BE CLOSED TO THE  
6 GENERAL PUBLIC.

7                   ~~(C)~~ (D) PENALTY. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
8 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF \$100.

9  
10                   SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five  
11 (45) days after its enactment.